

AMENDMENTS TO THE CLAIMS

Claims 1-36 (cancelled)

Claim 37 (new): A sweet of boiled sugar exhibiting a rough texture intended for the treatment of halitosis, comprising a crystalline ingredient conferring on it said rough texture, wherein said crystalline ingredient exhibits a particle size of greater than 200 microns and a melting point of greater than 110°C, and wherein said crystalline ingredient is selected from the group consisting of mannitol, maltitol, erythritol, isomalt, anhydrous lactitol, sucrose, lactose, mannose, galactose, xylose and cyclodextrins.

Claim 38 (new): The sweet according to claim 37, wherein said crystalline ingredient exhibits a particle size of greater than 400 microns.

Claim 39 (new): A method for the treatment of halitosis using a sweet according to claim 37.

Claim 40 (new): A process for the preparation of a sweet of boiled sugar according to claim 37, comprising the following stages:

- cooking a carbohydrate or a mixture of carbohydrates at atmospheric pressure at a temperature sufficient to allow vitrification of the massecuite when it is cooled;
- addition to the massecuite of a crystalline ingredient capable of conferring on the sweet a rough texture intended for the treatment of halitosis, at a temperature below that of the melting point of the crystalline ingredient.

Claim 41 (new): The process according to claim 40, wherein the carbohydrate in the mixture of carbohydrates is selected from the group consisting of sucrose and glucose syrup mixtures,

sucrose, glucose syrup and water mixtures, maltitol syrups, sorbitol syrups, hydrogenated glucose syrups, mannitol or isomalt and hydrogenated glucose syrups, mannitol or isomalt and maltitol syrups, isomalt and water, isomalt, polydextrose and water, and hydrogenated or nonhydrogenated dextrans.

Claim 42 (new): The process according to claim 40, wherein the carbohydrate or the mixture of carbohydrates comprises a maltitol or isomalt syrup.

Claim 43 (new): The process according to Claim 40, wherein the crystalline ingredient capable of conferring a rough texture on the sweet has a mean particle size of greater than 400 microns.

Claim 44 (new): The process according to Claim 40, wherein said ingredient is a crystalline polyol.

Claim 45 (new): A method for the treatment of halitosis using a sweet prepared by the process of claim 40.

Claim Objections

Claims 24 to 36 have been withdrawn from examination without prejudice.

Claim 37 is based on the combination of the previous claims 24 and 28, wherein the terms "type" and "capable of" have been deleted.

Claims 38 and 39 are based on the previous claims 27 and 29.

Claim 40 to 45 are based on the previous claims 30 to 32 and 34 to 36. The term "type" has been deleted in claim 40, and claim 40 has been amended to add that the addition of the crystalline ingredient is carried out "at a temperature below that of the melting point of the crystalline ingredient".

Claims rejections under 35 USC§112§1

Former claims 24, 27, 29, 30, 32 - 36 are rejected under 35 U.S.C. §112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By the present amendment, claims 24-36 have been withdrawn from examination without prejudice and have been replaced by claims 37 to 45. Claims 37-45 are pending.

This rejection is respectfully traversed.

The terms "capable of" have been deleted in claim 37. The sweet of boiled sugar according to the invention (claim 37, and its dependent claims 38 and 39) is characterized by the fact that it has a rough structure conferred by a particular crystalline component defined by its particles size, its melting point, and selected from a list of ingredients.

Furthermore, claim 40 has been amended to add that the addition of the crystalline ingredient is carried out "at a temperature below that of the melting point of the crystalline ingredient". Starting from the specification and particularly from example 1 of the specification, such an addition is carried out at a vitrification temperature or at a cooling temperature having such a characteristic, so that to meet the main requirement of the invention. The invention as claimed in the process claim 40 and its dependent claims 41 to 45 deals with the manufacture of a sweet of boiled sugar comprising two ingredients: a first ingredient which is a carbohydrate or a mixture of carbohydrates, and a second ingredient which is the crystalline ingredient defined in claims 37. The lists of ingredients of the first ingredient and of the second ingredients overlap. The crystalline ingredient does not melt and is capable of conferring roughness as required to the sweet manufactured according to such a process.

It is respectfully submitted that the invention as claimed now fulfils the requirements of 35 USC§112 §1.

Claims rejections under 35 USC§112§2

Former claims 24, 27 - 36 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By the present amendment, claims 24-36 have been withdrawn from examination without prejudice and have been replaced by claims 37 to 45. Claims 37-45 are pending.

This rejection is respectfully traversed. The term "type" has been deleted in both claims 37 and 40.

It is respectfully submitted that the invention as claimed now fulfils the requirements of 35 USC§112 §2.

Claims rejections under 35 USC§ 102 Novelty

Former claims 24-36 have been rejected in the Office Action under 35USC§102(b) as anticipated by SHARMA ET AL (4,804,548). By the present amendment, claims 24-36 have been withdrawn from examination without prejudice and have been replaced by claims 37 to 45. Claims 37-45 are pending.

This rejection is respectfully traversed in view of the new submitted set of claims, in which the crystalline ingredient of new claim 37 has been further restricted to a list of ingredients.

SHARMA ET AL. (4,804,548) describes a stable delivery system capable of effecting a controlled release of a core material comprising at least one natural or artificial core material and a hydrophobic matrix, said matrix consisting essentially of lecithin, an edible material, and at least one glyceride. The natural or artificial core material is taken from a list comprising glycyrrhizin and saccharin. Such a list does not comprise the ingredients of claim 37.

Hence the invention as claimed is novel versus the SHARMA ET AL. document (4,804,548).

Furthermore, the invention as disclosed in the present specification is particularly useful for treating halitosis, because, surprisingly and unexpectedly, a sweet according to claim 37 reduces the bacterial population at the surface of

the tongue when it is in the mouth (see example 2 of the specification).

Thus the sweet and the process according to the invention as claimed are surprisingly advantageous versus the sweet and the process disclosed in the SHARMA ET AL. document (4,804,548).

As a conclusion, it is hence respectfully submitted that the objection under 35USC§102(b) be withdrawn and that the Application is now in proper form for allowance.

In view of the foregoing, favorable consideration and prompt allowance of the claims 37 to 45 are respectfully requested.

Respectfully submitted,

Marie-Hélène SANIEZ et al.

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By: Michael O. Sturm
Michael O. Sturm
Reg. No. 26,078

STURM & FIX LLP
206 Sixth Avenue, Suite 1213
Des Moines, Iowa 50309-4076
Phone: 515-288-9589
Fax: 515-288-5311